

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -SEPTEMBER 20, 2011- -7:00 P.M.

Acting Mayor Bonta convened the meeting at 7:03 p.m. Boy Scout Troop 73 led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers deHaan, Tam and Acting Mayor Bonta – 3.

Absent: Councilmember Johnson and Mayor Gilmore – 2.

AGENDA CHANGES

(11-431) Acting Mayor Bonta announced Final Passage of the Ordinance [paragraph number 11-445] would be addressed October 4, 2011 and the resolution of appointment [paragraph number 11-433] would be addressed after Special Orders of the Day.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY & ANNOUNCEMENTS

(11-432) Proclamation for Walk and Roll to School Day.

Acting Mayor Bonta read and presented the proclamation to Audrey Lord-Hausman.

REGULAR AGENDA ITEM

(11-433) Resolution No.14616, “Appointing Marguerite M. Malloy as a Member of the Civil Service Board.” Adopted.

Councilmember Tam moved adoption of the resolution.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote – 3. [Absent: Councilmember Johnson and Mayor Gilmore – 2.]

The City Clerk administered the Oath of Office and presented a certificate of appointment to Ms. Malloy.

ORAL COMMUNICATIONS, NON-AGENDA

(11-434) Tom Liao, Alameda; Kathy Smith, West Alameda Neighborhood Association (WANA); Leslie Gomez, WANA; and Travis Wilson, Alameda, discussed the utility under grounding project in their neighborhood.

(11-435) Michael John Torrey, Alameda, announced an upcoming blood drive.

CONSENT CALENDAR

Acting Mayor Bonta announced that the Quarterly Sales Tax report [paragraph number 11-438], Quarterly Treasury Report [paragraph number 11-439], and Alameda Fire Management Memorandum of Understanding [paragraph number 11-443] were removed from the Consent Calendar for discussion and final passage of the ordinance [paragraph number 11-445] was moved to October 4, 2011.

Councilmember Tam moved approval of the Consent Calendar.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote – 3. [Absent: Councilmember Johnson and Mayor Gilmore – 2.] [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*11-436) Minutes of the Special City Council Meeting held on August 30, 2011. Approved.

(*11-437) Ratified bills in the amount of \$9,548,885.14.

(11-438) Recommendation to Accept the Quarterly Sales Tax Report for the Period Ending March 31, 2011.

The Controller gave a brief presentation.

Councilmember deHaan inquired whether there is a particular reason for the increase in sales tax.

The Controller responded some new businesses have come into town; stated sales tax varies from quarter to quarter.

Councilmember deHaan inquired whether the Harbor Bay Business Park sales tax has been adjusted.

The Controller responded a one time adjustment has been made; stated some businesses delay reporting sales tax and the sales tax is not reflected until the next quarter.

Councilmember deHaan moved approval of the staff recommendation.

Councilmember Tam seconded the motion.

Under discussion, Councilmember Tam stated South Shore Center shows a steady growth and is the largest contributor of retail sales.

On the call for the question, the motion carried by unanimous voice vote – 3. [Absent: Councilmember Johnson and Mayor Gilmore – 2.]

(11-439) Recommendation to Accept the Treasury Report for the Quarter Ended June

30, 2011.

Councilmember deHaan stated some investments are not bringing in the amount of money forecasted.

The Controller stated PFM Asset Management and Chandler Asset Management are the City's registered investment advisors; both advisors have taken advantage of some one-time capital gains which has helped to boost the City's interest income this year; interest income dropped tremendously in Fiscal Year 2010-2011.

Councilmember deHaan inquired what was the interest rate in Fiscal Year 2009-2010, to which the Controller responded approximately 1.25%.

In response to Councilmember deHaan's inquiry, the Controller stated revenue for Fiscal Year 2009-2010 was \$1.1 million for the General Fund and \$3.8 million for all funds; revenue for Fiscal Year 2010-2011 will be approximately \$600,000 for the General Fund and approximately \$2.3 million for all funds.

The Assistant City Manager stated revenue estimates for Fiscal Year 2011-2012 are conservative; staff did a lot of work in the spring to ensure there would not be any problems later.

Councilmember deHaan moved approval of the staff recommendation.

Councilmember Tam seconded the motion, which carried by unanimous voice vote – 3. [Absent: Councilmember Johnson and Mayor Gilmore – 2.]

(*11-440) Recommendation to Authorize the City Manager or His Designee to Enter into Purchase and Finance Agreements for an Amount Not to Exceed \$3,241,824 for the Replacement of Fire Department Apparatus and Fire and Police Department Radios. Accepted.

(*11-441) Recommendation to Reject All Bids and Authorize a New Call for Bids for the Upgrade of the City of Alameda Sewer Pump Stations, Bay Farm Island Pump Station Rehabilitation, No. P.W. 12-10-35. Accepted.

(*11-442) Resolution No. 14617, "Authorizing Execution of an Agreement with the State of California for Landscape Maintenance within the State Highway Right-of-Way of Route 260 for the Webster Street/Wilver "Willie" Stargell Avenue Intersection Project." Adopted.

(11-443) Resolution No. 14618, "Approving a Revised Memorandum of Understanding between the Alameda Fire Management Association and the City of Alameda for the Period Commencing February 28, 2010 and Ending June 29, 2013." Adopted.

The Human Resources Director gave a brief presentation.

Opponent: Denise Lai, Alameda.

In response to Councilmember Tam's inquiry, the Interim Fire Chief stated the Alameda Fire Management group previously had two Deputy Chiefs and three Division Chiefs; the two Deputy Chief positions have been eliminated; currently, a fourth Division Chief position is open; one Division Chief is assigned as an Administrative Division Chief with a 38-hour per week schedule.

Councilmember Tam inquired how many Division Chiefs the department had before, to which the Interim Fire Chief responded five.

Councilmember Tam stated that she recalls Council presenting a proclamation to former Acting Fire Chief Fisher upon his retirement and that former Acting Chief Fisher tendered his retirement papers without any discussion.

The Assistant City Manager stated a proclamation was presented in July.

Councilmember Tam moved adoption of the resolution.

Councilmember deHaan stated that he did not support the Fire Fighter or Police contracts because the contracts were pushed out another two years; he will support the Alameda Fire Management Association Memorandum of Understanding; he looks forward to future budget discussions regarding how to move forward in the out years; there is room for improvement.

Councilmember deHaan seconded the motion; stated the root of the problem has been addressed but the City cannot wait two years to address concerns.

On the call for the question, the motion carried by unanimous voice vote – 3. [Absent: Councilmember Johnson and Mayor Gilmore – 2.]

(*11-444) Resolution No.14619, "Approving Continued Participation in the Alameda County HOME Consortium and Authorizing the City Manager to Execute the HOME Consortium Cooperative Agreement with Alameda County." Adopted.

(11-445) Final Passage of Ordinance_Authorizing the Execution of Lease of Real Property between the City, as Lessor, and Alameda Swimming Pool Association, as Lessee, for Swimming Pool Facilities at Lincoln and Franklin Parks. Continued to October 4, 2011.

REGULAR AGENDA ITEMS

(11-446) Public Hearing to Consider Resolution No.14620, "Supporting Bay Conservation and Development Commission Proposed Bay Plan Amendments to Address Sea Level Rise in the San Francisco Bay Area." Adopted.

The Planning Services Manager gave a brief presentation.

Proponent: Jon Spangler, Alameda.

Councilmember Tam stated a lot of existing homes would be affected by an 18 inch sea level rise; inquired how the rise would impact plans with Lawrence Berkeley National Laboratory (LBNL).

The Planning Services Manager responded the proposed LBNL site is one of the highest areas at Alameda Point but would require some additional geotechnical work.

Councilmember Tam stated the staff report addresses a potential for a 55 inch rise over 100 years.

The Planning Services Manager stated numbers have been developed by regional and national scientists; the model indicates an 18 inch rise is a pretty good [50 year] middle of the road estimate.

Councilmember Tam moved adoption of the resolution.

Councilmember deHaan stated Council made a decision on November 16, 2010 [adopted a resolution raising concerns about the Bay Conservation and Development Commission (BCDC) 2010 Bay Plan proposal]; it was noted that the financial impact of the proposed amendment was unknown; tonight's staff report notes that the proposed BCDC Bay Plan Amendments would not result in a financial impact.

The Planning Services Manager stated addressing the sea level rise will require private and public money; proposed BCDC policies would not increase costs for the City; adopting a resolution of support would not have any financial impact.

Councilmember deHaan stated Alameda Point development will be significantly impacted; planning beyond that of the Community Reuse Plan became very aggressive in areas that would have sea level rise; the original Alameda Point plan had recreation areas [in lower areas] that would not be financially burdensome to the City [to address sea level rise].

Councilmember deHaan seconded the motion, which carried by unanimous voice vote – 3. [Absent: Councilmember Johnson and Mayor Gilmore – 2.]

(11-447) Recommendation to Acknowledge Rent Increase and Construction Concerns at 2445 Shoreline Drive and Authorize the Mayor to Send a Letter Encouraging the Owner to Comply with the Rent Review Advisory Committee Recommendations.

The Housing Development Programs Manager gave a brief presentation.

Acting Mayor Bonta inquired about the full scope of Council's power.

The Housing Development Programs Manager responded Alameda does not have rent control; stated the Rent Review Advisory Committee (RRAC) is the City's alternative to rent control; the process is voluntary and relies on parties being committed to working out a fair and equitable agreement; if parties cannot work out a solution, the rent increase would prevail.

Proponent: Martha Hanis, Alameda.

In response to Councilmember deHaan's inquiry, the Housing Development Programs Manager stated 2008 was the last time a tenant came before Council; Council sent a letter to the landlord upholding the RRAC's recommendation.

In response to Councilmember deHaan's further inquiry about the outcome, the Housing Development Programs Manager stated the landlord did not choose to abide by Council's recommendation.

Councilmember deHaan inquired whether other tenants have been burdened with a rent increase.

The Housing Development Programs Manager responded other tenants have not come before the RRAC.

Councilmember deHaan moved approval of the staff recommendation.

Councilmember Tam seconded the motion.

Under discussion, Councilmember Tam stated Council is sympathetic to the situation; if the letter does not result in a successful outcome, suggesting more effective ways to address the issue would be helpful; there should be some recognition regarding the extent and duration of the construction and appropriateness of the increase.

The Housing Development Programs Manager stated the City has a contract with ECHO Fair Housing; ECHO Fair Housing has been very active regarding the matter; the RRAC and ECHO Fair Housing have not been able to compel the landlord to work towards a solution; an Eviction Defense Center referral has been provided to the tenant.

Councilmember deHaan stated the economy has changed drastically; foreclosures have forced people into the rental market.

Acting Mayor Bonta stated the RRAC received a complaint regarding one unit; inquired whether the rent increase was uniform across the 88 units.

Ms. Hanis responded many tenants received rent increases as leases expired; stated practically everyone has moved out of the building.

Councilmember deHaan stated the RRAC has been successful in the past; hopefully, the landlord will move in the right direction.

Acting Mayor Bonta inquired whether the property owner is present tonight.

David Perry, RRAC member, stated the landlord appeared at one of the medication meetings; the RRAC heard both sides of the story; the RRAC unanimously recommended that the increase be limited to a \$25 to \$50 per month; the landlord did not agree; urged Council to send a letter to the landlord.

On the call for the question, the motion carried by unanimous voice vote – 3. [Absent: Councilmember Johnson and Mayor Gilmore – 2.]

CITY MANAGER COMMUNICATIONS

None.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

None.

COUNCIL COMMUNICATIONS

(11-448) Councilmember Tam inquired when the Sunshine Ordinance would come to Council, to which the Acting City Attorney responded October 18, 2011.

Councilmember deHaan inquired when the Campaign Reform ordinance would be presented, to which the Acting City Attorney responded it would not be at the same time as the Sunshine Ordinance.

(11-449) Councilmember deHaan discussed Associated Community Action Plan (ACAP).

(11-450) Councilmember deHaan inquired the status of the legal opinion on the Charter provisions related to the upcoming Golf action.

The Acting City Attorney stated the opinion would be provided before October 4, 2011.

ADJOURNMENT

There being no further business, Acting Mayor Bonta adjourned the meeting at 8:22 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.